

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES EDWARD GRANT,

Petitioner,

ORDER

v.

08-cv-727-slc

MADISON POLICE DEPARTMENT,
STATE OF WISCONSIN,
MPO KATHYRN PETERSON,
MPO CINDY THEINBUSEN,
MPOD JEFF TWING,
ADA JOSEPH E. MIMIER and
MARYL HAVE,

Respondents.

This case was transferred to this venue from the Northern District of Illinois by order of the Hon. Judge Manning dated November 20, 2008. Petitioner is a prisoner confined at the Dodge Correctional Institution in Waupun, Wisconsin. In his complaint brought under 42 U.S.C. § 1983, petitioner alleges that defendants violated his constitutional rights by falsely arresting him, by using unjustified force against him, by delaying a bail/bond hearing, and by fabricating evidence in order to obtain a domestic abuse restraining order. Petitioner has not paid the \$350 fee for filing his complaint. Therefore, I construe his complaint to include a request for leave to proceed *in forma pauperis*.

Because petitioner is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, petitioner will have to make an initial partial payment of the \$350 filing fee in the

amount of \$.52 and the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$.52 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes. Petitioner should show a copy of this order to prison officials in order to insure that they are aware they should send petitioner's initial partial payment to this court.

ORDER

IT IS ORDERED that petitioner is assessed \$.52 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court on or before January 7, 2009. If, by January 7, 2009, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice

to petitioner's filing his case at a later date.

Entered this 17th day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge